



APPLICATION NO. _____

TOWN OF COLCHESTER, CONNECTICUT

**APPLICATION FOR
REGULATION CHANGE
REQUIRES A PUBLIC HEARING**

SECTION 19.1. of The Town of Colchester Zoning Regulations states – These Regulations and the boundaries of zoning districts may be amended by the Commission, after public notice and hearing, in accordance with Section 8-3 of the General Statutes, as amended.

APPLICANT 120 South Main, LLC
ADDRESS 139 South Main Street (Please Print)
Colchester CT 06415 TELEPHONE (860) 537-3417
(City) (State) (Zip)

PROPOSED REGULATION CHANGE INFORMATION

X ZONING REGULATIONS X NEW TEXT
 SUBDIVISION REGULATIONS AMENDMENT TO TEXT
 PLAN OF DEVELOPMENT

REGULATION SECTION NUMBER or LOCATION 5.3

RATIONALE FOR PROPOSED CHANGE – Please attach separate page

REGULATION TEXT – Please attach separate page

Dwight H. Merriam

APPLICANT(S) SIGNATURE

Attorney for 120 South Main Street, LLC

Dwight Merriam, Attorney at Law
80 Latimer Lane
Weatogue, CT 06089
(860) 463-7233
dwightmerriam@gmail.com

For Official Use:

APPLICATION SUBMITTED _____ ZPC FEE PAID _____

PUBLIC HEARING DATE _____

5.3 USES PERMITTED

The following uses shall be permitted in the TC or WV Districts subject to all applicable requirements of these Regulations:

...

9. Drive-Through Service through the approval of a Special Permit, subject to meeting the following requirements:
 - A. Drive-through lanes shall be consistent with the provisions of Section 10.5.1.D and shall have a minimum 15-foot interior radius at curves.
 - B. Drive-through lanes providing access to and from drive-through windows and order boards shall not obstruct on-site vehicular traffic flow to and from required parking and loading spaces or other driveways providing ingress and egress into and within the site.
 - C. Each entrance to, and exit from, a drive-through lane shall be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs.
 - D. The applicant shall provide a traffic study describing peak hours of operations, volume of customers per hour, stacking space for anticipated volume of drive-through vehicles, turning movements, roadway capacity and level of service of nearby streets.
 - E. Drive-through lanes shall have the following minimum stacking space, measured from the order board or service window to the entry point into the drive-through lane.
 1. Fast Food/Drive-In Restaurant with Drive-Up Service Window: ten (10) stacking spaces.
 2. Drive-In Bank/Drive-Up ATM: eight (8) stacking spaces; four (4) stacking spaces per service window if more than one (1) service window provided.
 3. Drug Store/Pharmacy Drive-Up Prescription Service Window: two (2) stacking spaces per service window.
 4. Drive-In Car Wash (Automated or Self Service): ten (10) stacking spaces; four (4) stacking spaces per washing bay if more than one (1) washing bay provided.
 5. All other drive-up service windows shall have ten (10) stacking spaces.

Stacking provisions shall also be made for at least one (1) exiting automobile between each service window and the street. Each stacking space shall be 18 feet in length, and such facilities shall be designed to not interrupt the smooth flow of traffic within the subject site. Dedicated stacking lanes shall be provided separate from any other drive aisle. Where access to such stacking lane is from an interior parking lot drive aisle rather than a street, the edge of the adjacent drive aisle shall be considered the street line.

- F. Additional stacking area. The Commission may require additional stacking area beyond that required by Subsections E.1 and E.2 where it determines, based on the evidence in the record and subject to the Commission making findings of fact, that the proposed use will generate more customer vehicle traffic than the above requirements can accommodate.
- G. Drive-through facilities, including windows and other related facilities, shall be architecturally compatible with the building and the existing or planned streetscape.
- H. Outdoor loudspeakers for any drive-through window shall not produce noise level greater than 50 dB at the closest property line, nearest building of a separate use or a public sidewalk off-site.
- I. To limit damage to buildings in the vicinity of drive-through facilities, at least 10 feet of clear height shall be provided for the drive-through lane and bollards shall be located adjacent to drive-through windows to prevent damage to the building from vehicles.
- J. The Commission may approve alternatives to the requirements of Section 5.3.9 where it finds that the alternate design, given the characteristics of the site, will be equally or more effective in protecting on- and off-site pedestrian and vehicular traffic safety and minimizing traffic congestion.

August 13, 2021

Application of 120 South Main, LLC for an Amendment of the Zoning Regulations

RATIONALE FOR PROPOSED CHANGE

This proposed amendment of the Town of Colchester Zoning Regulations will enable drive-through service in the Village Center/Westchester Village (VC/WV) District.

Drive-through service was previously authorized in the VC/WV District. Several properties have been developed with drive-through service and are currently operating, now as nonconforming uses. Among those properties are:

Starbucks, 95 Linwood Avenue
Liberty Bank, 219 South Main Street
United Bank, 99 Linwood Avenue
Walgreens, 27 Broadway Street (not in GIS)
CVS: 119 S. Main Street
Dime Bank: 139 South Main Street
Berkshire Bank: 63 Norwich Avenue
TD Bank 64 Norwich Avenue
Dunkin Donuts: 164 Linwood Avenue
Dunkin Donuts: 440 South Main Street
Dunkin Donuts: 723 Middletown Road (WV District)
McDonalds: 375 South Main Street
Wendy's: 348 South Main Street

This proposed amendment is warranted for two principal reasons.

First, drive-through service in this commercial district is in the public interest. The recent, and now continuing, pandemic has required that people maintain social distance and have contactless transactions where possible to reduce contagion. See generally

<https://www.qsrmagazine.com/outside-insights/value-drive-thru-during-covid-19> A worldwide study, "Drive-thru pharmacy services: A way forward to combat COVID-19 pandemic," has shown the importance of drive-through service for health care in this time of pandemic.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7373674/>

This is not the last pandemic we will have. Drive-through service is necessary not only now but will be in the future.

We also have an aging population. Connecticut has the sixth oldest population in the country, and it is getting older relative to others.

<https://ctbythenumbers.news/ctnews/2018/09/26/ct-is-6th-oldest-state-in-the-nation-with-projections-pointing-to-even-older-population-economic-ramifications>

With aging, there are increasing issues of mobility and it is difficult and often impossible for many people to walk into an establishment to be served. Obviously, mobility issues are not restricted to older people and there are many others with physical disabilities who need this access and who are disadvantaged without drive-through service.

Second, the widespread prevalence of drive-through service and the demands of the public for it have provided a distinct economic advantage to those properties in the District that have drive-through service. To the extent that some commercial operations may be able to be located outside of Colchester, all of the District is put at a disadvantage for many types of commercial and retail activities in which drive-through service has become the norm.

Vacant properties in the district and those desirable for redevelopment are disadvantaged in the market in not having the ability to provide drive-through service. The potential for getting approval of drive-through service will increase the attractiveness of these properties throughout the District, and it will expedite and enhance their development and redevelopment to the benefit of the Town of Colchester and its citizens.

Care has been taken in drafting these regulations to include standards, submission requirements such as the traffic report, and discretion for the Planning & Zoning Commission to deny a special permit where the standards are not met or to condition approval of a special permit to meet site-specific issues.